

Message Text

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PAGE 01 LIMA 00483 201700Z

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ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

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TO SECSTATE WASHDC 3564

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E.O. 11652: N/A

TAGS: EAIR, PE

SUBJECT: CIVAIR CONSULTATIONS

1. BELOW IS TEXT PAPER GIVEN PERU DEL (SEE SEPTTEL).

2. TEXT DIPLOMATIC NOTE:

I HAVE THE HONOR TO REFER TO THE CONSULTATIONS HELD BETWEEN REPRESENTATIVES OF THE GOVERNMENT OF PERU AND THE GOVERNMENT OF THE UNITED STATES OF AMERICAN CONCERNING AIR TRANSPORT RELATIONS BETWEEN THE TWO COUNTRIES AND TO PROPOSE, ON BEHALF OF MY GOVERNMENT, THAT THE ATTACHED UNDERSTANDING SUPPLEMENTARY TO THE AIR TRANSPORT AGREEMENT GOVERN THE CONDUCT OF EACH GOVERNMENT WITH RESPECT TO THE OPERATION OF ROUTES BY THE AIRLINES DESIGNATED BY EACH GOVERNMENT PURSUANT TO THE AGREEMENT, IT BEING UNDERSTOOD THAT THE BOTH GOVERNMENTS RESERVE THEIR POSITIONS REGARDING THE INTERPRETATION OF THE ANNEX TO THE AGREEMENT DURING THE PERIOD OF EFFECTIVENESS OF THE ATTACHED UNDERSTANDING.

IF YOUR GOVERNMENT AGREES TO THE FOREGOING PROPOSAL, I HAVE THE HONOR TO PROPOSE THAT THIS NOTE AND YOUR REPLY TO THAT EFFECT CONSTITUTE AN AGREEMENT BETWEEN THE TWO GOVERNMENTS WHICH SHALL ENTER INTO EFFECT ON THE DATE OF LIMITED OFFICIAL USE

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PAGE 02 LIMA 00483 201700Z

YOUR REPLY.

3. TEXT OF UNDERSTANDING SUPPLEMENTARY TO THE AIR TRANSPORT AGREEMENT BETWEEN THE GOVERNMENT OF PERU AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

1. SUBJECT TO THE PROVISIONS OF ARTICLE 2 OF THE AIR TRANSPORT AGREEMENT AND TO PARAGRAPH 5 BELOW, THE AERONAUTICAL AUTHORITIES OF THE UNITED STATES OF AMERICA SHALL ISSUE TO AEROPERU AN AMENDED FOREIGN AIR CARRIER PERMIT WHICH ADDS NEW YORK AS A CO-TERMINAL POINT ON ROUTE 1 AS IT APPEARS IN THE PERMIT ISSUED TO AEROPERU ON JULY 25, 1974.

2. SUBJECT TO THE PROVISIONS OF ARTICLE 2 OF THE AIR TRANSPORT AGREEMENT AND PARAGRAPH 5 BELOW, THE AERONAUTICAL AUTHORITIES OF PERU SHALL ISSUE TO BRANIFF INTERNATIONAL AIRLINES AN AMENDED OPERATING PERMIT WHICH AUTHORIZES THE FOLLOWING NUMBER OF ROUNDTRIP FREQUENCIES PER WEEK TO CARRY TRAFFIC BETWEEN THE POINTS INDICATED: (DETAILS OMITTED). THE TOTAL NUMBER OF ROUNDTRIP FREQUENCIES PER WEEK BETWEEN LIMA AND POINTS NORTH OF LIMA SHALL NOT EXCEED 24 AND THE TOTAL NUMBER OF ROUNDTRIP FREQUENCIES PER WEEK BEYOND LIMA SHALL NOT EXCEED 18.

3. (PROVISIONS CONCERNING FREQUENCY INCREASES)

4. EACH AIRLINE MAY BE REQUIRED TO FILE SCHEDULES WITH THE AERONAUTICAL AUTHORITIES OF THE OTHER GOVERNMENT SHOWING HOW IT WILL IMPLEMENT THE PERMIT IT HAS BEEN ISSUED, AND SUCH SCHEDULES WILL BE ALLOWED TO BECOME EFFECTIVE ON THE PROPOSED DATE OF EFFECTIVENESS, PROVIDED THEY CONFORM WITH TERMS OF THE RESPECTIVE PERMITS AS SPECIFIED ABOVE. IN THIS REGARD, EACH AIRLINE MAY, IN SUCH SCHEDULES, OMIT INTERMEDIATE POINTS ON ANY OR ALL FLIGHTS, SERVE AUTHORIZED POINTS IN ANY ORDER, AND OPERATE MORE FLIGHTS IN ONE DIRECTION ON A ROUTE SEGMENT THAN IN THE OTHER.

5. THE AERONAUTICAL AUTHORITIES OF EACH GOVERNMENT MAY WITHHOLD THE ISSUANCE OF THE PERMITS SPECIFIED IN PARAGRAPHS 1 AND 2 ABOVE UNTIL THEY HAVE APPROVED, AS MAY BE REQUIRED BY THEIR DOMESTIC LEGISLATION AND REGULATIONS, LIMITED OFFICIAL USE

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PAGE 03 LIMA 00483 201700Z

THE AGREEMENT ENTERED INTO BETWEEN AEROPERU AND BRANIFF INTERNATIONAL AIRLINES. PENDING SUCH APPROVALS AND ISSUANCE OF THE RESPECTIVE PERMITS, THE AERONAUTICAL AUTHORITIES OF EACH GOVERNMENT SHALL ALLOW AIR SERVICES BY THE TWO COUNTRIES TO CONTINUE AS THEY WERE BEING OPERATED ON JANUARY ----, 1975. SHOULD THE AERONAUTICAL AUTHORITIES OF EITHER GOVERNMENT NOT APPROVE THE COMMERCIAL COOPERATION AGREEMENTS ENTERED INTO BETWEEN THE TWO AIRLINES WITHIN A

REASONABLE PERIOD OF TIME, THE TWO GOVERNMENTS WILL CONSULT WITH A VIEW TO RESOLVING THE SITUATION.

6. NEITHER GOVERNMENT WILL ATTEMPT TO REQUIRE FROM THE AIR-LINE DESIGNATED BY THE OTHER GOVERNMENT BENEFITS OTHER THAN THOSE SPECIFIED IN THIS UNDERSTANDING.

7. EITHER GOVERNMENT MAY AT ANY TIME AFTER -----, TERMINATE THIS UNDERSTANDING UPON SIX MONTHS PRIOR NOTICE TO THE OTHER GOVERNMENT. IF SUCH NOTICE IS GIVEN, THE GOVERNMENTS WILL HOLD CONSULTATIONS WITHIN SIXTY DAYS OF THE RECEIPT OF SUCH NOTICE WITH A VIEW TO AGREEING UPON ALTERNATIVE ARRANGEMENTS.

BARNEBEY

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